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TIMOTHY N TROP
TROP PRUNER HU & MILES PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER
JOHNSON, TIMOTHY M

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 14

Application Number: 09/390,255
Filing Date: September 03, 1999
Appellant(s): ACHARYA ET AL.

Fred G. Pruner, Jr., #40,779
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 30, 2002.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct. However, it is actually more of a detailed description than a summary. There are more pages (about 10 full pages) in this "Summary" in the Appeal Brief than in the Appellant's "Detailed Description" in the disclosure (about 8 full pages).

(6) Issues

The appellant's statement of the issues in the brief is incorrect. The changes are as follows:

The issue is simply whether or not claims 1-15 are anticipated by Zandi et al., 6,222,941. Furthermore, the issues include arguments. The Appellant should not include arguments in this section of the Appeal Brief. Arguments will be treated in the Response to Argument section herein below.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-6, 7-11, and 12-15 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,222,941	Zandi et al.	4-2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-15 are rejected under 35 U.S.C. 102(e). This rejection is set forth in prior Office Action, Paper No. 9.

(11) Response to Argument

The Appellant argues on pages 12-13 in section A of the Appeal Brief that Zandi is directed to coefficient based zerotree coding as opposed to the claimed bitwise zerotree coding by coding bits of each bit order to indicate zerotree roots associated with the order, which Zandi does not do. The Appellant further argues that Zandi does not teach indicating zerotree roots associated with wavelet coefficient ordered bits.

The Examiner respectfully disagrees. The Appellant's crucial assertion that Zandi provides for coefficient based zerotree coding and not bitwise zerotree coding is not only false, but such a distinction between the two is not claimed, as will be explained herein.

First, "representing each wavelet coefficient as a collection of ordered bits" is clearly provided by Zandi in c. 6, lines 40-43 and lines 50-58, which teaches that the coefficients are ordered based on **bit** significance. This anticipates the second clause of claim 1.

Second, these **bits** are explicitly coded to indicate, inter alia, zerotree roots associated with the order by Zandi in c. 23, lines 19-23, and that **bits** are coded, see Zandi in c. 23, lines 36-40, and c. 24, lines 26-31. In the second full paragraph on page 13 of the Appeal Brief, the Appellant argues that Zandi does not provide for "coding bits to indicate zerotree roots that are associated with *bit orders*" (emphasis in original). The language "bit orders" is not claimed, but even if the Appellant does consider that it is claimed, Zandi clearly anticipates bit orders as argued above and where cited above in Zandi. It is also clear that the "bits of each order" do not preclude coefficients in general, which consists of bits ordered based on significance/bitplanes.

The Appellant basically reiterates the arguments of section A in sections B and C on pages 14-15 of the Appeal Brief, and further argues that Zandi does not teach instructions/program to cause a processor to do the claimed coding.

The Examiner respectfully disagrees. See the argument above with respect to section A. A computer system with a processor and a memory storing a program/instructions to cause the processor to zerotree encode wavelet coefficient data is provided by Zandi in at least the paragraph bridging cols. 4-5, the first two and the last full paragraphs in c. 5.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

TIMOTHY M. JOHNSON
PRIMARY EXAMINER

Timothy M. Johnson
January 23, 2003

Conferees

JC

BM, SPE 2625

TIMOTHY N TROP
TROP PRUNER HU & MILES PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024